

Summary of Changes to Brownfields Guidelines

September 2008

Stipulated Assessment Grants (SAG)

These guidelines were updated to include/clarify the following:

- Made general language cleanup and miscellaneous consistency changes.
- Clarified that a SAG may not be used to assess petroleum contamination unless the site also has hazardous substances contamination, and petroleum is not the primary contaminant of concern.
- Updated available fiscal year funding amount.
- Added provision that a SAG grant commitment expires one (1) year after execution of a grant agreement if no eligible costs are incurred and invoiced.
- Hardened application deadline and changed conditions for the submittal of supplemental application information (e.g., site access agreement).
- Clarified that any site for which SAG assistance is awarded must meet the Indiana definition of a brownfield (it was assumed, but not explicitly stated).
- Clarified that if Applicant seeks SAG funding to complete a remediation work plan, an American Society for Testing and Materials-compliant Phase I and sufficient Phase II assessment data must be available & submitted at the time of application.
- Added clarification that a determination of funding eligibility does not release any party from obligations under any federal or state law or regulation.
- Clarified that the version of IDEM's Risk Integrated System of Closure will be that which is in effect at time Program approves grant activities.
- Clarified that Applicant can request disbursements be paid directly to consultant.
- Clarified that the deadline to demonstrate an investment match is two (2) years after the execution date of the grant agreement (rather than award date) and that any eligible investment made after grant award can go toward match requirement (but that no pre-award costs can be counted).
- Revised ranking criteria, including addition of new category on sustainability/environmental benefit/infrastructure reuse.

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September 2008

Stipulated Remediation Grants (SRG)

These guidelines were updated to include/clarify the following:

- Made general language cleanup and miscellaneous consistency changes.
- Clarified that a SRG may not be used to remediate petroleum contamination unless the site also has hazardous substances contamination, and petroleum is not the primary contaminant of concern.
- Updated available fiscal year funding amount.
- Added a provision that a SRG grant commitment expires one (1) year after execution of grant agreement if no eligible costs are incurred and invoiced.
- Hardened application deadline and changed conditions for the submittal of supplemental application information (e.g., site access agreement).
- Clarified that any site for which SRG assistance is awarded must meet the Indiana definition of a brownfield (it was assumed, but not explicitly stated).
- Added as potentially eligible applicants, entities that would otherwise have an applicable exemption to liability but for the date on which they purchased the site (e.g., < January 11, 2002, a significant date for certain landowner liability protections).
- Clarified required documentation for asbestos abatement activities.
- Added clarification that a determination of funding eligibility does not release any party from obligations under any federal or state law or regulation.
- Added a provision that asbestos and/or lead paint abatement are only eligible SRG activities if there are also other Program-approved remediation activities taking place on the site.
- Clarified that the version of IDEM's Risk Integrated System of Closure will be that which is in effect at time Program approves grant activities.
- Clarified that Applicant can request disbursements be paid directly to consultant.
- Clarified that the deadline to demonstrate an investment match is two (2) years after the execution date of the grant agreement (rather than award date) and that any eligible investment made after grant award can go toward match requirement (but that no pre-award costs can be counted).
- Revised ranking criteria, including addition of new category on sustainability/environmental benefit/infrastructure reuse.
- Added Priority Funding as a funding option (if funding is available) for sites that present an imminent redevelopment opportunity, in addition to the factors required to be addressed to demonstrate an imminent need for funding. A 50% cost share from the Applicant or other entity involved in the project is required. Same opportunity is available under the SAG and PRG guidelines.

Summary of Changes to Brownfields Guidelines

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Petroleum Remediation Grants (PRG)

These guidelines were updated to include/clarify the following:

- Made general language cleanup and miscellaneous consistency changes.
- Clarified that a PRG may not be used to assess or remediate hazardous substances contamination unless the contamination is commingled, and that if both hazardous substances and petroleum contamination are present, PRG funds can only be used to address the petroleum contamination.
- Added a provision that a PRG grant commitment expires six (6) months after IFA Board approval if a financial assistance agreement is not executed.
- Added an explanation of how to add a site to regional wait lists now being maintained while the Program determines the availability of funding for new projects.
- Clarified that any site for which PRG assistance is awarded must meet the Indiana definition of a brownfield (it was assumed, but not explicitly stated).
- Added clarification that a determination of funding eligibility does not release any party from obligations under any federal or state law or regulation.
- Clarified that the version of IDEM's Risk Integrated System of Closure will be that which is in effect at time Program approves grant activities.
- Revised selection criteria to more closely mirror revised Stipulated Assessment Grant (SAG) and Stipulated Remediation Grant (SRG) scoring criteria. For example, additional criteria include environmental and public health benefits and sustainability/environmental benefit/infrastructure reuse.
- Added Priority Funding as a funding option (if funding is available) for sites that present an imminent redevelopment opportunity, in addition to the factors required to be addressed to demonstrate an imminent need for funding. A 50% cost share from the Applicant or other entity involved in the project is required. Same opportunity is available under the SAG and SRG guidelines.

Summary of Changes to Brownfields Guidelines

September 2008

Federal Matching Grants (FMG)

These guidelines were updated to include/clarify the following:

- Made general language cleanup and miscellaneous consistency changes.
- Deleted reference to automatic FMG award for assessment grants awarded by the United States Environmental Protection Agency (US EPA). US EPA does not require assessment grant recipients to provide a percent cost share for assessment grants and, therefore, due to limited available State funds, the Indiana Brownfields Program (Program) is no longer going to provide FMG assistance for US EPA assessment grant recipients.
- Made language and table changes to emphasize that US EPA revolving loan fund and cleanup grant recipients are required to provide an *additional* 5% match (on top of the 20% required by EPA but which is funded automatically by the Program) as a condition of accepting the Program's FMG and to strengthen a grant proposal.
- Added a provision that any part of a recipient's FMG award not spent before the expiration of the grant recipient's federal grant agreement will be de-obligated and returned to the Environmental Remediation Revolving Loan Fund (Brownfields Fund).

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Low-Interest Loans (LIL)

These guidelines were updated to include/clarify the following:

- Clarified eligible uses of loan funds and eligible types of contamination on which loan funds may be spent.
- Added a provision that a loan award will expire six (6) months after IFA Board approval if a financial assistance agreement is not executed.
- Clarified required documentation for asbestos abatement activities.
- Added clarification that a determination of funding eligibility does not release any party from obligations under any federal or state law or regulation.
- Added a provision that asbestos and/or lead paint abatement are only eligible loan activities if there are also other Program-approved remediation activities taking place on the site.
- Added provision regarding conditions for use of loan funds for brownfield acquisition.
- Clarified that the version of IDEM's Risk Integrated System of Closure will be that which is in effect at time Program approves loan activities.
- Clarified that Applicant can request disbursements be paid directly to consultant
- Added as potentially eligible applicants, entities that would otherwise have an applicable exemption to liability but for the date on which they purchased the site (e.g., < January 11, 2002, a significant date for certain landowner liability protections)
- Added as a condition of loan forgiveness that redevelopment goals must include site remediation, if applicable, even if loan funds will not be used to fund the necessary remediation.
- Changed conditions for the submittal of supplemental application information (e.g., site access agreement).
- Revised selection criteria to more closely mirror revised Stipulated Assessment Grant (SAG) and Stipulated Remediation Grant (SRG) scoring criteria. For example, additional criteria include environmental and public health benefits and sustainability/environmental benefit/infrastructure reuse.